

Notice of Allowability

Application No.

10/821,041

Examiner

Darren W. Ark

Applicant(s)

METCALFE, COLIN T.

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amdt. filed 9/14/2007 and Telephone Interview on 9/25/2007.
2. ☒ The allowed claim(s) is/are 1,3-7,23-36,40,41,43 and 45-50.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/736,023.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.


THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


DARREN W. ARK
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Sue Z. Shaper on Tuesday, September 25, 2007.

The application has been amended as follows:

Claim 1. A method of controlling insects, wherein at least a part of an insect to be controlled is exposed to an insect-adhering particulate composition, comprising:

including, in the particulate composition having an average particle size diameter in the range of from 2 to 100 μm , at least one pesticide or insect behaviour modifying chemical and at least one magnetized magnetic material.

Claim 3. A method as claimed in claim ~~claims~~ 1 ~~[[or 2]]~~ wherein the at least one magnetized magnetic material includes a ferromagnetic oxide.

Claim 5. A method as claimed in claims 1, ~~[[2,]]~~ 3, or 4 wherein the at least one magnetized magnetic material in the composition comprises at least 10% by weight of hard magnetic material.

Claim 6, line 1, inserted --at least one-- before "magnetized".

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Claim 23. An insect trap which comprises a housing, a zone of the housing or a zone within the housing having a composition comprising electromagnetically sensitive particles, the improvement comprising including, in the composition having an average particle diameter size of 2 to 100 μm , a magnetic material and at least one of a pesticide, pheromone, allomone, kairomone and parapheromone.

Claim 31. The method of claim 1 wherein the at least one magnetized magnetic material in the composition comprises approximately 10% by weight of strontium ferrite and approximately 90% by weight of a ferrosilicate.

Claim 46. The composition of claim 32 wherein the at least one of a pesticide and an insect behaviour modifying chemical includes a pheromone.

Claim 47. The method of claim 1 wherein the at least one pesticide or insect behavior modifying chemical includes a pheromone.

Claim 49. A method of controlling insects, wherein at least a part of an insect to be controlled is exposed to an insect-adhering particulate composition, comprising:

including in the particulate composition at least one pesticide or insect behaviour modifying chemical and at least one magnetized magnetic material;

locating the [[a]] composition proximate a path of the insect; and

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wherein the at least one pesticide or insect behavior modifying chemical includes a pheromone.

2. The following is an examiner's statement of reasons for allowance:

In regard to claim 1, the prior art of record does not disclose a method of controlling insects, wherein at least a part of an insect to be controlled is exposed to an insect-adhering particulate composition, comprising including, in the particulate composition having an average particle size diameter in the range of from 2 to 100 μm .

In regard to claim 23, the prior art of record does not disclose an insect trap including in the composition having an average particle diameter size of 2 to 100 μm .

In regard to claim 32, the prior art of record does not disclose an insect-controlling composition in particulate form, comprising an insect controlling composition in particulate form having an average particle diameter size in the range of 2 to 100 μm .

In regard to claim 49, the prior art of record does not disclose a method of controlling insects, wherein at least a part of an insect to be controlled is exposed to an insect-adhering particulate composition, comprising the pesticide or insect behaviour modifying chemical including a pheromone.

In regard to claim 50, the prior art of record does not disclose an insect-controlling composition in particulate form, comprising the at least one of a pesticide and insect behaviour modifying chemical includes a pheromone.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably


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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Ark whose telephone number is (571) 272-6885. The examiner can normally be reached on M-F, 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Darren W. Ark
Primary Examiner
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DWA